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Remarks

Claims 1-42 are pending in the application. Claims 1-42 were rejected. Claims 1, 4, 12, 13, 17, 19, 24, 27, 28, 35, 38, and 39 are amended. Claims 43 and 44 are added. Claims 1-44 are now pending. Claims 1, 24, 38, 39, and 40 are the independent claims. Reconsideration of the amended application is respectfully requested.

The examiner rejected claims 4, 12, 13, 17, 19, 27, 28, and 35 under 35 USC §112 as being indefinite due to certain noted informalities. The claims are amended to correct the informalities related to the recitation of the terms "and/or", "preferably roughly 48 hours", and "such as".

Regarding recitation of the term "licensed", it is respectfully submitted that the term is not indefinite as used in claims 12, 13, and 28. The purpose of the definiteness requirement of 35 USC §112 is to ensure that the metes and bounds of the claims are set forth so that third parties can determine with confidence whether they are infringing the claims. In the present case, the claim element is a substance that is licensed, that is, is approved for sale and use. As the examiner pointed out, licensing requirements are subject to change. However, at any given time that infringement is evaluated, a substance is either licensed or it isn't. For example, claim 12 recites including, in a set of travel treatment plans, all licensed insulin therapeutics. Presumably, a list of such therapeutics is available, and whether the licensing requirements change or not, the status as a licensed product is determinable and therefore definite. It is this status that needs to be known, and not the licensing requirements themselves. The licensing authority and

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not the user will be making the licensing determination; the user will merely include items that are known to be licensed.

For the reasons noted above, it is requested that the rejections under 35 USC § 112 be withdrawn.

The examiner rejected claims 1-22, 24-35, and 38-40 under 35 USC §103(a) as being unpatentable over Kehr et al., in view of Korpi et al., and further in view of Schwibinger.

Independent claim 1 recites a method executable on a computer system for producing an adapted travel treatment plan for administering a medicine in the event of a long-haul journey. According to the claimed method, a regular treatment plan for administering the medicine is recorded. The point of departure and destination as well as the time of travel of the long-haul journey are also recorded. The time zone difference between the point of departure and destination are determined, and an adapted travel treatment plan is produced based on the regular treatment plan depending on the time zone difference and the time of travel.

In contrast, Kehr et al. describe a system for managing the administration of medication and medical treatment regimens. The system includes a device that stores medication schedule data, treatment data, patient query data, and patient response data. Kehr et al. are concerned with the treatment of the patient and regulation of a treatment regimen based on patient feedback and interaction, but do not disclose or suggest recordation of a point of departure and destination for the patient, or of a time zone difference. In fact, Kehr et al. do not mention any consideration of a long-haul journey

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for the patient, or of issues involving treatment of a patient who is undertaking a journey of any type. No mention is made at all of a trip or journey, or of any travel on the part of the patient. It is fair to assert that Kehr et al. do not disclose or suggest an adapted travel treatment plan, or any need for an adapted travel treatment plan.

Korpi et al. disclose a system for tracking time zone changes in communications devices. According to the disclosed system, a portable processing device, such as a laptop computer, includes a time-of-day clock that is dynamically adjusted based upon occurrences of travel among different time zones. The system can include a calendar of events that is updated when time zones are crossed. However, Korpi et al. only discuss the updating of devices, and do not disclose or suggest any applications for their system that relate to the administering of a medicine.

Thus, no motivation is provided in either reference that would lead one of skill in the art to combine the teachings of the two references. To establish a *prima facie* case of obviousness as asserted by the examiner, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference according to the teachings of the secondary reference. MPEP 2143. In the present case, Kehr et al. do not disclose or suggest the possibility of a journey for the patient, and therefore provide absolutely no motivation to for tracking time zone changes for the disclosed device. Kehr et al. provide not even a hint that providing time zone updates on the device would be desirable or necessary. Also, as noted above, Korpi et al. do not disclose or suggest any applications for their system that relate to the administering of a medicine. The necessary motivation

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is not provided, and therefore combination of the teachings of these references in an effort to provide the claimed invention would be improper as impermissibly using hindsight.

As acknowledged by the examiner, Korpi et al. do not disclose an adapted travel plan that includes treatment, as recited in claim 1. The examiner cited Schwibinger as disclosing as disclosing this feature. However, Schwibinger describes a time-display device that is used to minimize the effects of jet lag. Thus, the treatment described by Schwibinger is intended to treat the effects of the travel itself. In contrast, claim 1 recites recording a regular treatment plan, and producing an adapted travel treatment plan based on the regular treatment plan based on travel parameters. Schwibinger does not even suggest this claimed feature, because a user would not have a regular treatment plan for jetlag; one would only administer treatment for jetlag specifically for one who is traveling.

Further, the teachings of Schwibinger are not suitable for combination with the teachings of Korpi et al. Korpi et al. teach a mobile device that has a clock which is updated automatically to account for a change in time zones. Schwibinger teaches a device that presents the correct time to a user only at the very beginning and end of a trip. During the trip itself, the clock gradually adjusts from the departure time zone time to the destination time zone time by speeding up or slowing down the time display, as appropriate, in linear fashion, thereby presenting the incorrect time to the user for the vast majority of the trip. This is incompatible with the teachings of Korpi et al., who are concerned with maintaining the correct time on the mobile device. At least some

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evidence of a reasonable expectation of success of the combination is needed to support a conclusion of obviousness. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976). Because these references teach away from each other, it is submitted that it would be improper to combine the teachings of these references, particularly when the displayed time is the specific subject matter applied in the combination.

For at least the reasons noted above, it is submitted that no combination of the teachings of the three cited references could render obvious the invention recited in claim 1. Claims 2-22 depend from claim 1, and therefore also are not obvious in view of the cited references, both for the reasons noted above, as well as because of the additional features recited therein. For example, claim 2 recites that a set of travel treatment plans are drawn up depending on a non-application period between a last application according to the regular treatment plan, taking the local time at the point of departure of the long-haul journey as a basis, and the next application according to the regular plan, taking the local time at the destination as a basis, which is not disclosed or suggested in any of the references. The rejection of claims 1-22, therefore, should be withdrawn.

Claim 24 recites a device for producing an adapted travel treatment plan for administering a medicine in the event of a long-haul journey. The device includes a device for recording an regular treatment plan for administering the medicine, a device for producing a set of travel treatment plans based on the regular treatment plan for various time zone differences and times of time zone changeover, a storage device for storing the set of adapted travel treatment plans, a device for recording the point of departure and destination of the long-haul journey, a device for determining the time zone

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difference, a selection device for selecting one of the stored travel treatment plans depending on the time zone difference and the time of time zone changeover, and an output device for outputting the selected treatment plan.

In contrast, Kehr et al. describe a system for managing the administration of medication and medical treatment regimens. The system includes a device that stores medication schedule data, treatment data, patient query data, and patient response data. Kehr et al. are concerned with the treatment of the patient and regulation of a treatment regimen based on patient feedback and interaction, but do not disclose or suggest a device for producing a set of travel treatment plans based on the regular treatment plan for various time zone differences and times of time zone changeover, a device for recording the point of departure and destination of a long-haul journey, a device for determining the time zone difference, or a selection device for selecting one of the stored travel treatment plans depending on the time zone difference and the time of time zone changeover. In fact, Kehr et al. do not mention any consideration of a long-haul journey for the patient, or of issues involving treatment of a patient who is undertaking a journey of any type. No mention is made at all of a trip or journey, or of any travel on the part of the patient. It is fair to assert that Kehr et al. do not disclose or suggest an adapted travel treatment plan, or any need for an adapted travel treatment plan.

Korpi et al. disclose a system for tracking time zone changes in communications devices. According to the disclosed system, a portable processing device, such as a laptop computer, includes a time-of-day clock that is dynamically adjusted based upon occurrences of travel among different time zones. The system can include a calendar of

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events that is updated when time zones are crossed. However, Korpi et al. only discuss the updating of devices, and do not disclose or suggest any applications for their system that relate to the administering of a medicine.

Thus, no motivation is provided in either reference that would lead one of skill in the art to combine the teachings of the two references. To establish a *prima facie* case of obviousness as asserted by the examiner, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference according to the teachings of the secondary reference. MPEP 2143. In the present case, Kehr et al. do not disclose or suggest the possibility of a journey for the patient, and therefore provide absolutely no motivation to for tracking time zone changes for the disclosed device. Kehr et al. provide not even a hint that providing time zone updates on the device would be desirable or necessary. Also, as noted above, Korpi et al. do not disclose or suggest any applications for their system that relate to the administering of a medicine. The necessary motivation is not provided, and therefore combination of the teachings of these references in an effort to provide the claimed invention would be improper as impermissibly using hindsight.

As acknowledged by the examiner, Korpi et al. do not disclose an adapted travel plan that includes treatment, as recited in claim 24. The examiner cited Schwibinger as disclosing as disclosing this feature. However, Schwibinger describes a time-display device that is used to minimize the effects of jet lag. Thus, the treatment described by Schwibinger is intended to treat the effects of the travel itself. In contrast, claim 24

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recites a device for producing a set of travel treatment plans based on a regular treatment plan. Schwibinger does not even suggest this claimed feature, because a user would not have a regular treatment plan for jetlag; one would only administer treatment for jetlag specifically for one who is traveling.

Further, the teachings of Schwibinger are not suitable for combination with the teachings of Korpi et al. Korpi et al. teach a mobile device that has a clock which is updated automatically to account for a change in time zones. Schwibinger teaches a device that presents the correct time to a user only at the very beginning and end of a trip. During the trip itself, the clock gradually adjusts from the departure time zone time to the destination time zone time by speeding up or slowing down the time display, as appropriate, in linear fashion, thereby presenting the incorrect time to the user for the vast majority of the trip. This is incompatible with the teachings of Korpi et al., who are concerned with maintaining the correct time on the mobile device. At least some evidence of a reasonable expectation of success of the combination is needed to support a conclusion of obviousness. *In re Rinehart*, 531 F.2d 1048, 189 USPQ 143 (CCPA 1976). Because these references teach away from each other, it is submitted that it would be improper to combine the teachings of these references, particularly when the displayed time is the specific subject matter applied in the combination.

For at least the reasons noted above, it is submitted that no combination of the teachings of the three cited references could render obvious the invention recited in claim 24. Claims 25-35 depend from claim 24, and therefore also are not obvious in view of the cited references, both for the reasons noted above, as well as because of the additional

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features recited therein. For example, claim 25 recites that the device for producing a set of travel treatment plans determines a non-application period from the last application according to the regular treatment plan according to the starting time zone to the next application according to the treatment plan according to the destination time zone as an ordering parameter for the set of travel treatment plans, which is not disclosed or suggested in any of the references. The rejection of claims 24-35, therefore, should be withdrawn.

Claim 38 recites a computer program product with program code for the production, on a computer, of an adapted travel treatment plan for administering a medicine in the event of a long-haul journey. The computer program includes the steps of recording of an regular treatment plan for administering the medicine, recording of the point of departure and destination as well as the time of travel of the long-haul journey, determining the time zone difference between the point of departure and the destination, and producing an adapted travel treatment plan based on the regular treatment plan depending on the time zone difference and the time of travel. Claim 39 recites a storage medium storing a similar computer program, and claim 40 recites a method for administering a medicine, including similar steps. As discussed above, it would be improper to combine the teachings of the cited references, and in any case any such combination would fail to teach producing an adapted travel treatment plan based on a regular treatment plan depending on a time zone difference and a time of travel. Thus, the cited references do not render obvious the invention as recited in claims 38-40, and the rejection of those claims should be withdrawn.

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The examiner rejected claims 23, 36, 37, 41, and 42 under 35 USC §103(a) as being unpatentable over Kehr et al., in view of Korpi et al., and further in view of Schwibinger, and further in view of Kehr II.

Claim 23 depends from claim 1; claims 36 and 37 from claim 24; and claims 41 and 42 from claim 40. As noted above, it would be improper to combine the teachings of the first three cited references, and in any case any such combination would fail to teach all of the features of claims 1, 24, and 40. Kehr II discloses an Internet-enabled patient monitoring system. In paragraph 120, Kehr II discloses that patients can be grouped according to any of a number of characteristics, including hormone levels or gender, or by the type of pathologically-infected system, such as reproductive system or endocrine system. However, Kehr II does not disclose or suggest a travel treatment plan produced for a contraceptive, as recited in claim 23; an apparatus for measuring the blood sugar values of a user, as recited in claim 36; an apparatus for the continuous measurement of the sugar concentration of a user, as recited in claim 37; a method for administering insulin preparations, as recited in claim 41; or a method for administering contraceptives, as recited in claim 42. Organization of patients in groupings based on characteristics does not imply or in any way suggest any of these claimed features.

Even if Kehr II were to disclose these features, the Kehr II disclosure does not overcome the deficiencies noted in the combination of the other three cited references. The Kehr II reference does not render proper the combination of those combined teachings, nor does it provide elements missing from those references.

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For at least the reasons noted above, it is submitted that no combination of the teachings of the four cited references could render obvious the invention recited in claims 23, 26, 37, 41, and 42. The rejection of these claims, therefore, should be withdrawn.

Based on the foregoing, it is submitted that all objections and rejections have been overcome. It is therefore requested that the Amendment be entered, the claims allowed, and the case passed to issue.

Respectfully submitted,



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